

UNITED STATES DISTRICT
COURT
DISTRICT OF MARYLAND

CHAMBERS OF
STEPHANIE A. GALLAGHER
UNITED STATES DISTRICT JUDGE

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September 20, 2022

LETTER MEMORANDUM

Re: CSX Transportation, Inc. v. Mayor and City Council of Baltimore, et al.
Civil Case No. SAG-22-1655

Dear Counsel:

I am in receipt of Defendant Maryland Transit Administration's ("MTA's") motion to dismiss the complaint for lack of jurisdiction, ECF 16, the response filed by Plaintiff CSX Transportation, Inc. ("CSX"), ECF 24, and MTA's reply, ECF 25. MTA seeks dismissal of this case, citing Eleventh Amendment immunity. ECF 16. In response, CSX agrees that its claims against MTA are improper in federal court and that dismissal without prejudice is warranted. ECF 24. In its reply, however, MTA relies on a series of Maryland statutes and cases to suggest that the conditions precedent to this suit have not been met. ECF 25. Thus, MTA contends, the claims should be dismissed with prejudice because they are futile. *Id.*

This Court believes its inquiry appropriately ends with its lack of jurisdiction over the claims against MTA. Because suit in this Court is barred, this Court should not weigh the merits of MTA's arguments about the application of Maryland law. Should CSX refile its claims in state court, MTA can raise its arguments about conditions precedent in that forum. In this Court, however, CSX's claims against MTA will be dismissed without prejudice. *See Fleming v. Va. State Univ.*, 671 F. App'x 117, 118 (4th Cir. 2016) (determining that the district court should have dismissed without prejudice when case was dismissed for lack of subject matter jurisdiction).

A separate order will issue to grant MTA's motion to dismiss, ECF 16.

Sincerely yours,

/s/

Stephanie A. Gallagher
United States District Judge